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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 10-0259 MHP
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
v.)	
)	
)	
MALACHI BARTON,)	
)	
)	
Defendant.)	
_____)	

On April 13, 2010, the parties in this case appeared before the Court for identification of counsel and scheduling of a detention hearing. Mr. Paul De Meester was appointed counsel and the matter was set for April 16, 2010, for a detention hearing. The parties requested and the court ordered that time between April 13 and April 16, 2010 be excluded under the speedy trial act, 18 U.S.C. § 3161, to afford adequate preparation of counsel and assure continuity of counsel.

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2 On April 16, 2010, the parties appeared before the Court for arraignment and a detention
3 hearing. The defendant entered a plea of not guilty and waived a detention hearing and findings
4 without prejudice, reserving the right to seek release if circumstances changed. The matter was
5 scheduled for appearance before the Honorable Marilyn H. Patel on April 19, 2010. The parties
6 requested and the court ordered that time between April 16 and April 19, 2010 be excluded
7 under the speedy trial act, 18 U.S.C. § 3161, to afford adequate preparation of counsel and assure
8 continuity of counsel. The parties agree that, taking into account the public interest in prompt
9 disposition of criminal cases, good cause exists for this extension.

10 The defendant also agrees to exclude for this period of time any time limits applicable
11 under 18 U.S.C. § 3161. The parties represented that granting the continuance was the
12 reasonable time necessary for continuity of defense counsel and effective preparation. 18 U.S.C.
13 § 3161(h)(7)(B)(iv). The parties also agreed that the ends of justice served by granting such a
14 continuance outweighed the best interests of the public and the defendant in a speedy trial. 18
15 U.S.C. § 3161(h)(7)(A).

16 SO STIPULATED:

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18 JOSEPH P. RUSSONIELLO
United States Attorney

19
20 DATED: April 16, 2010

/s/
21 BENJAMIN P. TOLKOFF
Assistant United States Attorney

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23 DATED: April 16, 2010

/s/
24 PAUL DE MEESTER
Attorney for MALACHI BARTON

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1 For the reasons stated above, the Court finds that the exclusion of time from April 13
2 through April 19, 2010, is warranted and that the ends of justice served by the continuance
3 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161
4 (h)(7)(A). The failure to grant the requested continuance would deny the defendant effective
5 preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C.
6 §3161(h)(7)(B)(iv).

7
8 SO ORDERED.

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10 DATED: April 19, 2010


HONORABLE BERNARD ZIMMERMAN
United States Magistrate Judge